

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
FWP Headquarters – 1420 East 6th Avenue
Helena, MT

APRIL 16, 2009

Commission Members Present: Shane Colton, Chairman; Dan Vermillion, Vice-Chairman; Willie Doll; Ron Moody; Bob Ream.

Fish, Wildlife & Parks Staff Present: Joe Maurier, Acting Director, and FWP Staff.

Guests: See April 16, 2009 Commission file folder for names of who signed in.

A Work Session was held the afternoon of April 15 to discuss mountain lion issues, and a work session immediately followed the Commission meeting on April 16 for a presentation by the FWP Foundation, for an informational session on the new audio streaming project, for season setting discussions, for a brucellosis discussion, and for a general roundtable discussion between the Commission and FWP staff to discover and discuss Commission interests and ideas.

Topics of Discussion:

- 1. Call to Order - Pledge of Allegiance**
- 2. Approval of Commission Meeting Minutes of March 12, 2009**
- 3. Approval of Commission Expenses through March, 2009**
- 4. Legislative Update**
- 5. Commercial Fishing Regulations on Canyon Ferry Lake & Lake Helena - Tentative**
- 6. Glendive Chamber of Commerce & Agriculture Paddlefish Adv. Committee – Final**
- 7. Echo Lake No-Wake Zone Rule – Final**
- 8. Lease Office Space and Visitor Center in Lolo - Endorsement**
- 9. Shields River Fishing Access Site Acquisition – Endorsement**
- 10. Tentative 2009 Lion Quotas**
- 11. Tentative 2009 Moose, Sheep & Goat Quotas Outside the Biennial Quota Ranges**
- 12. Tentative 2010 Moose Sheep, Goat, Deer and Elk License Auction Rules**
- 13. Greenough Land & Livestock/DNRC Grazing System Lease Agreement – Final**
- 14. Roles / Responsibilities of FWP in Implementing the Brucellosis Action Plan - Info**
- 15. Open Microphone – Public Opportunity to Address Additional FWP Issues**

1. Opening - Pledge of Allegiance. Chairman Colton called the meeting to order at 8:30 a.m. and led the Pledge of Allegiance.

2. Approval of March 12, 2009 Commission Meeting Minutes.

Action: Ream moved and Moody seconded the motion to approve the March 12, 2009 minutes. Motion carried.

3. Approval of the March, 2009 Commission Expense Report.

Action: Ream moved and Moody seconded the motion to approve the March expense report as presented. Motion carried.

4. Legislative Update. Chris Smith, FWP Deputy Director, briefed the Commission on legislation that FWP has interest or involvement in.

HB 42 Requires FWP to address fire mitigation, beetle kill and wildlife habitat improvement on FWP lands, with priority for lands with greater than 50 forested acres. Establishes a Forest Management Account that is statutorily appropriated to fund forest management projects.

HB 203 Requires FWP to secure landowner permission before transplanting any wildlife to private land and to notify the public where wolves, bears or lions are released.

HB 499 Requires FWP to establish a citizen's advisory council and develop a strategic plan for the Upland Game Bird Enhancement Program and eliminates the 15% cap on administrative expenditures of UGBEP funding.

HB 645 Provides \$180,000 for Traveler's Rest State Park over the biennium.

HJ 32 Requires a study of the impact of historic preservation and identifies strategies for preservation at sites like Virginia City, Bannack, Pictograph Cave.

SB 164 Applies the "Good Neighbor Policy" to all FWP lands. Requires FWP to develop a noxious weed management plan prior to purchasing any land and to set aside the equivalent of 20% of the purchase price (excluding Habitat Montana funding) or \$300,000, whichever is less, in a Land Maintenance Account that is statutorily appropriated to fund operations and maintenance on FWP lands.

SB 228 Requires FWP to place priority on the protection of humans, livestock and pets in managing wolves, lions and bears. Defines and allows removal of problem wolves for livestock depredation and provides that following delisting, kill permits may be issued to landowners or the public.

SB 343 Creates a Montana invasive species act, an account and defines department responsibility. Provides for the prevention and control of infestation, authorizes inspections of the exterior of vessels for invasive species and prohibits the transport of invasive species. Includes an appropriation to the Department of Agriculture that will be shared with FWP.

SB404 Revises laws relating to the location of shooting preserves by increasing maximum size to not more than 1,920 contiguous acres and eliminating the 10 mile spacing requirement. Retains FWP authority to restrict preserves as necessary to avoid impact to public hunting.

SJ 15 Joint resolution supporting the decision to delist the gray wolf and urging FWP to defend delisting against legal challenges.

Bills that passed related to law enforcement:

HB 218 Clarifies prohibitions on the use of artificial light when hunting, clarifies when an individual commits the offense of wasting a furbearing animal and defines "pelt."

HB 222 Stipulates that a person whose privileges to hunt, fish or trap have been revoked is not eligible to purchase any license until all terms of the court sentence in which the privilege was revoked have been met, unless the person is making timely payments on a schedule set by the court.

HB 223 Authorizes the revocation of hunting, fishing and trapping privileges if a person commits criminal mischief or trespass on property owned or administered by FWP or commits criminal trespass while hunting, fishing or trapping on private land.

HB 296 Allows designating tribal fish and game wardens as ex officio state wardens when a cooperative agreement exists between FWP and the tribe.

SB 202 Prohibits feeding of ungulates, bears or mountain lions.

Bills that passed affecting licenses or use opportunities:

HB 74 Authorizes archery-only seasons for mountain lion, wolf and bear.

HB 137 Allows landowners enrolled in Block Management, or a full-time employee, to receive a free big game combination license and eliminates the requirement that the cost of the free license be deducted from compensation paid.

HB 172 Allows FWP to issue a provisional Hunter Education Certificate to a mentally disabled person who cannot pass the written test. Anyone hunting with this certification must be accompanied and supervised by a parent or guardian.

HB 190 Codifies the public's right to access rivers and streams at county bridges and allows landowners to connect fences to county bridge abutments, provided they do not restrict access. Requires FWP to pay for any improvements in fences to facilitate access.

- HB 221 Allows minors who will reach the age of 12 prior to January 16 to hunt for the entire, preceding fall season.
- HB317 Guarantees a member of the armed forces who forfeits a license or permit issued through a drawing as a result of deployment outside the continental U.S. that same license or permit upon application when they return to Montana.
- HB 366 Allows FWP to enter into an agreement with adjoining states for reciprocal fishing privileges in Montana rivers and streams within 10 miles of the boundaries of Montana.
- HB 383 Provides for free hunting licenses to youth with life threatening illness.
- HB 480 Authorizes nonresident youth aged 12 through 15 to hunt upland game birds and migratory birds with the purchase of a class B1 nonresident upland game bird license at the discounted price of \$35.00 vs. \$110.
- HB 585 Creates up to 500 nonresident elk/deer combination and 500 nonresident deer combination licenses that may be used by adult nonresident family members who wish to return to Montana to hunt with a sponsoring, resident family member. Revenue is earmarked for the acquisition of public hunting access to inaccessible public lands.
- SB 32 Provides that a licensed chiropractor may certify a person as disabled for purposes of obtaining a Permit to Hunt from a Vehicle.
- SB 184 Requires that an application for wild bison must be made on the same application and be subject to the same deadline as the special licenses for moose, goat and sheep. Requires that licenses for bears and lions be available at anytime with the stipulation the licenses purchased after April 15 or August 31 must be purchased at an FWP office and may not be used until 5-days after the license is issued.
- SB 185 Creates a nonresident college student combination big game license that can be used by nonresidents attending post-secondary institutions in Montana, or former Montana residents attending post-secondary institutions in another state.
- SB 188 Allows a hunter with an antlerless elk permit to take any elk allowed by the general hunting regulations at any time the general regulations allow the taking of antlerless elk.
- HJ 15 Requests an interim study to evaluate funding sources for an incentive program to encourage and compensate private landowners who grant public access for non-hunting recreation.

Bills that died with the issues unresolved and likely to resurface:

- HB 62 Mandatory trapper safety and education.
- HB 63 Authorize revocation of commercial fur dealer license.
- HB166 Increase Department of Justice prosecutor for FWP law violations to full-time attorney.
- HB167 Appropriate money to FWP for the operation of Travelers' Rest State Park.
- HB 217 Authorize FWP wardens and park rangers to enforce laws related to minors in possession on lands owned or operated by FWP, on state waters and on other state lands pursuant to an agreement with the appropriate land management agency.
- HB 253 Recognize bison as a valued native species, give management authority to FWP and direct FWP to work with the Dept. of Livestock to protect private property.
- HB 275 Provide that the Department of Natural Resources may declare the need for an emergency stream flow and procedures for implementing curtailment of water use when emergency stream flow conditions are met.
- HB 314 Provide methods for FWP to direct the dispersal or removal of concentrations of big game animals that pose a threat to landowners and livestock or the health of wildlife, habitat or the public; provide penalties for concentrating big game animals and create an advisory board.
- HB 330 Revise snowmobile registration and fee distribution. Would reduce FWP's share of revenue.
- HB 382 Create a resident apprentice hunting certificate which allows youngsters of any age to hunt with a mentor that meets certain requirements and exempt those youngsters from the requirement to complete a hunters safety education course provided they are hunting in the presence of a mentor.
- HB 559 Provide for reduced price hunting and fishing licenses for certain members of the armed forces who are participating in a contingency operation.
- HB 605 Provide for the equitable distribution of revenue from the Dingle Johnson and Pitman Robertson federal funding sources between the State and Montana tribes for fish and wildlife management purposes.
- SB 59 Require mountain lion trophy fees be used for the management of mountain lions.
- SB 162 Restrict FWP Commission from limiting hunting permits allocated for certain species from the number issued in 2007 unless certain conditions are met.
- SB 183 Revise the states wolf policy, assert states rights and challenge federal authority, void the Montana wolf conservation and management plan and the state's cooperative wolf management agreement. Establish conditions for future management plans and agreements specific to the wolf. Establish liability and penalties for injury or death of a human because of a wolf attack.

SB 213 Require FWP to implement a program to manage game animal populations in a manner that prevents the transmission of disease between game animals and domestic livestock or humans.

SB 217 Require FWP to reimburse livestock producers who are required to test livestock for brucellosis during periods when game animal population objectives are not met.

SB 337 Prohibit translocation of bison from the FWP/APHIS quarantine study to any site in Montana except the National Bison Range.

SB 425 Revise laws related to the funding and operation of Fort Peck fish hatchery. House Hearing.

SB 435 Provide for no net gain in state owned land. Would have precluded purchase of land for FAS's, State Parks or WMA's.

Bob Lane, FWP Legal Counsel, stated that the public process between last session and this session was of great help and was a model process. Constituent groups were all included and their ideas were considered. The policy committee will continue to function.

SB94, to revise statutes dealing with ground water in closed basins, didn't pass.

HB40 revised the application process so an applicant can get an early yes or no from DNRC.

5. Commercial Fishing Regulations on Canyon Ferry Lake and Lake Helena – Tentative. Chris Hunter, FWP Fisheries Division Administrator, explained that the Commission is authorized to approve one commercial fishing operation on each body of water in the state per year, and establish regulations for that operation. This particular request is for the approval of commercial harvest regulations authorizing the taking of carp via active seining from Canyon Ferry Reservoir and Lake Helena. The cost of the Class B Permit is \$200 and requires a \$1,000 Surety Bond. Monthly reports of harvest activity are required.

Richard Greene has applied for the 2009 Class B Permit. This is the fourth year Greene has applied for this permit, however he has not purchased the permit the last two years even though he was approved to receive it. This year FWP received an application from another party who would be eligible to receive the permit if Greene does not purchase it. It is the practice to first offer the permit to the party who had it the year before. Public comment will be accepted for 30 days.

Action: Vermillion moved and Moody seconded the motion to approve the tentative regulations for a commercial fishing operation on Canyon Ferry Reservoir and Lake Helena for 2009 pending public comment.

Chairman Colton asked for public comment. There was none.

Action on Motion: Motion carried.

6. Glendive Chamber of Commerce and Agriculture Paddlefish Advisory Committee – Final. Chris Hunter, FWP Fisheries Division Administrator, explained that Montana statute authorizes one non-profit organization to collect, process, and sell paddlefish roe within specified state regulations. The organization is required to appoint a committee comprised of one member of the organization, two area local government representatives, and two representatives of area anglers who are charged with soliciting and funding historical, cultural, recreational, and fish and wildlife projects with the proceeds from the sale of the roe. Last year, twenty-eight community grant projects were funded.

The Glendive Chamber of Commerce & Agriculture has been the selected organization for several years. There is one change in membership from past years. Tim Mort is replacing Dennis Snow as the local government representative because Mr. Snow retired from city government. Tim Mort is Chief of the West Glendive Fire Department and is a Dawson County fire warden.

The 2009 Paddlefish Roe Committee recommendations include:

- Mike Carlson—Glendive Area Chamber of Commerce and Agriculture
- Kevin Dorwart—City of Glendive, Director of Operations
- Tim Mort—West Glendive Fire Department Chief and Dawson County Fire Warden
- Kevin McGovern—Reynolds Warehouse Grocery Meat Cutter, Glendive
- James Thielman—Thielman Oil Productions Services, Glendive

Action: Colton moved and Vermillion seconded the motion to approve the Paddlefish Roe Program Advisory Committee as recommended by the Glendive Chamber of Commerce and Agriculture, and to direct the Department to enter into an MOU with the Chamber for the 2009 paddlefish season. Motion carried.

7. Echo Lake No-Wake Zone Rule – Final. Jim Kropp, FWP Enforcement Division Administrator, stated that on November 10, 2008, the FWP Commission approved rule-making on Echo Lake to remove two 200-foot no-wake zones, one at the entrance of Sunrise Bay, and one at the bay on the southwest side of the lake near Echo Chalet Drive, based on petitions filed by Wayne Grilley and Justin Sherman. Current regulations do not allow a person to travel through the channels into the bays being petitioned without slowing down to a no-wake speed. The Commission adopted similar exceptions to Blackies Bay, Causeway Bay, and several islands on Echo Lake in April of 2008. FWP opposed the regulation changes that were enacted in 2008, and opposes these changes now.

Bob Lane, FWP Legal Counsel, explained that in October of 2000, FWP adopted rules that established 200-foot no-wake zones on lakes that are 35 acres and larger. At that time, it was recognized that changes might need to be made to address specific situations as they came up, so a petition process was developed. That process requires petitioners to submit their petitions to FWP between August 1 and the end of September, after which they are reviewed and presented to the Commission for action. The Commission can initiate rulemaking, or can deny the petition and not start rulemaking. Today, the Commission is at the point of deciding whether to adopt the rule or not.

Jim Satterfield, FWP Region 1 Supervisor, stated that in 2005, enforcement efforts were increased on Echo Lake to address complaints from the public that the 200-foot no-wake rule was not being adhered to or enforced. Echo Lake is 150 acres with fluctuating water levels, so channels can be narrow from time to time. There is a lot of non-motorized use, swimming, and fishing. Written comments and a public hearing in February generated comments expressing concerns that boats traveling at high speeds in narrow channels would cause personal safety issues, property damage, shoreline damage, dangers of skiers starting in open water, and high-speed travel in narrow channels, caused by large wakes. The Region's recommendation is to decline adoption of these rules.

Lee Anderson, FWP Region 1 Warden Captain, said there are between ten to fifteen homes located in the bay near Echo Chalet Drive. The channel is narrow, and the water fluctuates a great deal. When the water level is low, it is 150-160 feet across, and when the water level is high, it is approximately 200 feet across. There is already an exemption to go from docks with skiers. Anderson said Sunrise Bay is also narrow. The distance across is 150-160 feet across in low water, and up to 200 feet across in high water, and it extends for 200 yards. Several houses are located there, with a dock at the entrance. Enforcement efforts have been increased to address safety concerns.

Chairman Colton asked for public comment.

Bill Jones, former legislator, has owned property on Echo Lake for twenty-eight years. Because of the fluctuating levels of the lake, all of the docks are floating docks. Large wakes move the docks violently, and he worries about the safety of his small grandchildren who play on the docks, and in the water near them. He recommended that the Commission listen to FWP's suggestion to deny the petition. There are also environmental issues - the shoreline is eroding rapidly.

Justin Sherman, Echo Chalet Drive, said all but two of the property owners in the bay signed the petition. He said that forcing everyone to the center of the lake will cause congestion and is not the answer.

Thomas Payne, Echo Chalet Bay, has owned his lot for thirty-five years, and now lives there year-round. He is a proponent of the petitions. Access is limited. Two of the four bays allow skiers in and out, so for purposes of consistency, it would improve understanding of what can be done at what location on the lake. It is a problem to put skiers in the main part of the lake versus skiing from the dock, as it can be as bad there as it is in the channels. There is little fishing and swimming in these two channels, and there is heavy native grass and rock and cobble on the shoreline, so erosion is not happening.

Ken Wright has lived on Echo Lake for twenty-six years. It is a small and highly congested lake. Boats that travel close to shore at 40 mph is dangerous. The no-wake zones maintain a safety zone - removing them is not common sense. Large wakes can swamp non-motorized traffic, and the wakes contribute to erosion. Floating docks are dangerous when large wakes cause them to bounce.

Steve Wilson said he lost a good friend who was water skiing in fluctuating water. His ski hit a sandbar and he snapped his neck.

John Bilmayer said the idea is for boats to pass in and out of the bays, not to remove the 200-foot rule entirely. People are just going from their docks to the main lake - not skiing brodies.

Chuck Hubbard, Bigfork, said he has had property on Hubbard Bay since the 1970's, and now he lives there full time. He is opposed to making exceptions to the 200-foot no-wake zone. There are fifteen property owners on Hubbard Bay now, and their docks are outside of the channel. Both bays are very small compared to the bays opened before. The issues include safety hazards, property damage, and erosion. Docks get damaged from bouncing in the wakes, and there is limited visibility. He said he is aware of three people who had originally signed the petition who now have changed their minds, but they want to remain anonymous. He urged the Commission to deny opening these channels. If exceptions continue, the whole lake will be exempted.

Wayne Grilley, Sunrise Bay, said there is usually flat water there, and it is only congested on weekends from about 3:30-4:30 in the afternoon. Those folks who are aware of this situation don't use the lake during that time of day. The erosion issue was only a big issue in 1997 when it was a high water year. He has not lost his property line due to erosion. Getting people up on skis in the middle of the lake is a safety issue; they are hard to see. Common sense and courtesy is all he is asking for. It is a recreational lake, and he wants to use it.

Curt Lingle said he is a property owner who enjoys the lake and feels there is room for everyone. It comes down to courtesy, respect, and common sense. There has never been an accident in the channels, and the two fatalities that occurred in the open water were due to carelessness. There is an established high water mark so erosion is not an issue. It is not a safety issue. Visibility is good.

Anderson stated that there is multiple use on the lake to include fishing, waterskiing, wakeboarding, kayaking, swimming, and canoeing. One variable that has emerged is the change from small-wake vessels to the large-wake vessels that use the wakes for surfing. A personal watercraft cannot go within 200 feet of the shore, so they cannot go through some of these channels.

Ream asked to what extent the motorized use would displace the non-motorized use if the Commission were to approve the petition. This is about balancing the needs of a variety of users.

Anderson said fisherman usually fish off points, but on this lake they are adaptive. If there are water-skiers out, they just don't go out fishing. The lake can handle multiple uses, so he is unsure how drastic the petition would affect fishing.

Colton said he is reluctant to take the same action that was taken last year when the other bays were exempted.

Action: Vermillion moved and Moody seconded the motion to support the agency recommendation to deny the petitions based on public health and safety concerns. Motion carried.

8. Lease Office Space and Visitor Center in Lolo – Endorsement. Chas VanGenderen, Acting Parks Division Administrator, explained that FWP has been working with the communities of Missoula and Lolo since 2001 to improve local tourism efforts at Fort Owen State Park near Stevensville, and at Travelers' Rest State Park in Lolo. Travelers' Rest Preservation and Heritage Association can no longer fund the day-to-day operations at the park, so they approached FWP requesting help. FWP proposes to enter into a 5-year lease agreement for parks administrative office space to develop and operate a visitor center, and to manage the heritage museum, by moving some of the daily operations out of the regional office and into the park.

Action: Vermillion moved and Ream seconded the motion to authorize the Department to pursue negotiations and development of a lease for office space and a visitor center in Lolo approval. Motion carried.

9. Shields River Fishing Access Site Acquisition – Endorsement. Chas VanGenderen, Acting Parks Division Administrator, explained that this proposal is to acquire a permanent easement on a 1-acre parcel of State School Trust Land on the Shields River to develop a Fishing Access Site. Presently, there are no fishing access sites on the Shields.

Action: Vermillion moved and Colton seconded the motion to authorize FWP to pursue a perpetual one-acre easement with DNRC on the Shields River. Motion carried.

10. 2009 Mountain Lion Quotas - Tentative. Quentin Kujala, FWP Wildlife Management Bureau Chief, presented the Mountain Lion proposals.

Region 1 – Mountain Lions

Eight recommended changes to the quotas.

HD 100 – decrease limited licenses from 25 to 20, decrease female subquota from 10 to 8

HD 101 – increase limited licenses from 7 to 14, increase female subquota from 2 to 5

HD 102 – increase limited licenses from 8 to 14, increase female subquota from 3 to 4

HD 104 – decrease limited licenses from 12 to 10, decrease female subquota from 5 to 4

HD 109 – increase limited licenses from 6 to 10, increase female subquota from 2 to 4

HD 121 – decrease female subquota from 10 to 7

HD 122 – increase limited licenses from 6 to 12, increase female subquota from 2 to 5

HD 123 – decrease limited licenses from 6 to 5

Action: Ream moved and Vermillion Dan seconded the motion to approve the tentative 2009 Mountain Lion quota levels as proposed by FWP.

Chairman Colton asked for public comment. There was none.

Action on Motion: Motion carried.

Region 2 – Mountain Lions

Nine recommended changes to the quotas.

HD 200/201 – increase limited licenses from 12 to 15

HD 202/203 – decrease female subquota from 3 to 2

HD 204/260/261 – increase limited licenses from 3 to 6, increase female subquota from 0 to 1

HD 240 – increase limited licenses from 3 to 6, increase female subquota from 0 to 1

HD 250 – increase limited licenses from 4 to 6, increase female subquota from 0 to 2

HD 270 – increase limited licenses from 3 to 6, increase female subquota from 0 to 1

HD 280/281/284/293 – increase limited licenses from 5 to 6, increase female subquota from 1 to 2

HD 283/285 – increase limited licenses from 4 to 7, increase female subquota from 1 to 3

HD 290/291/292/298 – increase limited licenses from 5 to 7, increase female subquota from 1 to 2

Action: Ream moved and Vermillion seconded the motion to approve the districts other than the Bitterroot districts (204/260/261, 240, 250 and 270).

Chairman Colton asked for public comment.

Rod Bullis submitted a letter of recommendations for mountain lion management in the Blackfoot area. He does not support an increase in the female subquotas.

Jeff Hahn, Blackfoot Valley, does not support an increase in the female sub-quota. The quota was not met so he does not feel it is appropriate to increase it.

Grover Hedrick, Boulder, took photos last year while running the routes and did not see many cat tracks. There is a decrease in the population. The area got hunted hard. He does not support a quota increase.

Kujala said the intent of the proposal is to maintain numbers in the Blackfoot. The limited license harvest rate is part of the mix. Historically, lower female subquotas have been in place.

Mike Thompson, Region 2 Wildlife Manager, said a meeting was held in Lincoln in March to interact with those people interested in lion management in the Blackfoot. The meeting was to establish objectives based on information that the public brought forward. Fifty people attended. The majority opinion was that lion numbers were moderate, and it was cautioned that the levels be maintained and not reduced.

Action on Motion: Motion carried. Four in favor - one opposed (Moody opposed).

Action: Ream moved and Vermillion seconded the motion to approve the other four mountain lion districts.

Chairman Colton asked for public comment.

Steve Wilson, Ravalli County Fish & Wildlife, proposes a hybrid season. They feel the permit system has failed.

Cal Ruark, Bitterroot Valley Houndsmen's Association, said he attended all of the Region 2 meetings. They were structured meetings asking only two questions: 1) is the level of the lions the same, and 2) do you want to lower, raise, or maintain the lion levels. Some say raise, some say lower, so it ends up in the middle. He agrees with six permits for toms in the units, but it is not the time to hunt females in the Bitterroot. He questioned if anyone knows just how many lions are in the Bitterroot, and how decisions can be made when it is unknown how many there are. Harvest levels were so high for so long that there were no lions in the Bitterroot. It is wrong to go back to the frame of mind of hunting females. He added that Steve Wilson does not represent him.

Steve Kenley, Ravalli County Fish & Wildlife, said they are upset with the permit system. The houndsmen raise hounds and might not get to use them. They want a 50/50 hybrid season. Permit holders would have the whole season to hunt. He feels the lions need to be killed.

Grover Hedrick said this issue has been going on for a long time. FWP needs to do a study. There are extremes on both sides, and nobody want to compromise.

Mary Ellen Schnurr, MOGA, said they are not involved in the Bitterroot conversation, but they are pleased that the groups are working together. MOGA is willing to work with them as well.

Ream noted that the Department made a drastic change in deer quotas, and there may be a wolf hunting season this fall, which should help with the depredation issue.

Ream amended his motion to increase quotas from 6 to 8 in each of the four districts (HDs 204/260/262, HD 240, HD 250 and HD 270) for a total of 32, and leave female subquotas as they are (1, 1, 2, and 1 respectively). Moody seconded the motion.

Vermillion said it is prudent to work with the permit system - harvest concerns can be addressed through the permit system. The hybrid system might be explored at a later time.

Doll said he prefers the hybrid system.

Colton said it would be irresponsible to go to the hybrid system at this time. Much time and effort has gone into establishing the permit system, by both FWP and the public. The permit system has only been instituted for one year and needs more time. He cautioned the Commission on making large changes, especially when the permit system has been in effect for only one year.

Action on Motion: Motion carried.

Region 3 – Mountain Lions

Five recommended changes to the quotas.

HD 300/302/328/329 – decrease quota from 3 to 2 legal male, decrease female subquota from 2 to 0

HD 319/341 – decrease quota from 3 to 2, increase female subquota from 0 to 1

HD 320/333 – increase quota from 3 to 4 legal male mountain lion

HD 331 – decrease quota from 3 to 2 legal male mountain lion

HD 390/391/392 – increase quota from 6 to 7, increase female subquota from 1 to 2

Action: Vermillion moved and Ream seconded the motion to approve the Region 3 tentative recommendations. Motion carried.

Chairman Colton asked for public comment. There was none.

Action on Motion: Motion carried.

Region-6 – Mountain Lions

No proposed changes to the quotas.

Doll stated that after conferring with Harold Wentland, he recommended increasing the quota to 10 legal lions with a subquota of 3 females in the Bearpaws, and to increase the quota to 6 legal lions with a subquota of 2 females in the Little Rockies.

Action: Doll moved and Vermillion seconded the motion to increase the quota to 10 legal lions with a subquota of 3 females in the Bearpaws, and to increase the quota to 6 legal lions with a subquota of 2 females in the Little Rockies.

Tim Vosburgh, Chippewa Cree Tribe, stated that he opposes the quota increase. It is too high as it is. The Bearpaw Unit needs cooperatively managed rather than the Tribe doing one thing and the state doing another.

Leo Faber said lions are everywhere.

Moody expressed concern that the Chippewa Cree Tribe was not consulted on this proposed change. This is not the way to do business. Before this comes back to the Commission as a final, he wants to hear from the Tribe, and know they were consulted.

Colton concurred with Moody. He directed Region 6 to consult with Mr. Vosburgh and the Tribe immediately. He said he will support this motion as a tentative, but there needs to be a cooperative effort before final adoption.

Action on motion: Motion carried.

Region 4, 5 and 7 – Mountain Lions

No recommended changes.

Action: Colton moved and Vermillion seconded the motion to approve the Regions 4, 5, & 7 tentatives as recommended by the Department.

Colton asked for public comment. There was none.

Action on Motion: Motion carried.

11. 2009 Moose, Sheep & Goat Quotas Outside the Biennial Quota Ranges - Tentative. Quentin Kujala, FWP Wildlife Management Bureau Chief, explained that the biennial quotas for moose, sheep and goat licenses were adopted as final in February 2008. That adoption set minimum and maximum numbers of licenses that may be issued annually without additional commission review for any single license type. Field surveys have now identified one moose hunting district, one mountain goat hunting district and one bighorn sheep hunting district where the prescribed 2009 quotas are outside the adopted ranges. To address this, three adjustments are proposed as annual adoptions for the 2009 season.

Moose—HD 103-00: Reduce Either Sex Licenses from 5 to 3 (adopted range is minimum 4; maximum 5)

Bighorn Sheep—HD 124-30: Reduce Adult Ewe Licenses from 20 to 1 (adopted range is minimum 5; maximum 20)

Mountain Goat—HD 320-00: Reduce Either Sex Licenses from 15 to 3 (minimum 5; maximum 15)

Action: Ream moved and Vermillion seconded the motion to adopt, as tentative, the three adjustments to the 2009 moose, sheep and goat quotas as recommended by the Department. Motion carried.

12. 2010 Moose Sheep, Goat, Deer and Elk License Auction Rules - Tentative. State law provides for an auction process to distribute moose, sheep and goat licenses, and an auction/lottery option to distribute mule deer and elk licenses. Quentin Kujala, FWP Wildlife Management Bureau Chief, explained that the Commission decides on the criteria and process for selecting conservation organizations to conduct the various license auctions/lotteries each year, and then solicits proposals to do so. The organizations whose proposals are successful offer the licenses up for auction or lottery at their annual banquets. FWP receives ninety percent of the license auction proceeds, and the organization retains the remaining 10 percent. The rules to conduct the auction/lottery have remained relatively unchanged since their inception, and FWP proposes no change for the 2010 auction.

Action: Vermillion moved and Doll seconded the motion to adopt the tentative 2010 auction/lottery rules for the moose, sheep, goat, mule deer and elk licenses as proposed by the Department. Motion carried.

13. Greenough Land and Livestock / DNRC Grazing System Lease Agreement – Final. Ken McDonald, FWP Wildlife Division Administrator, explained that DNRC recently leased out 2,140 acres adjacent to the Blackfoot Clearwater Wildlife Management Area, to Greenough Land and Livestock for cattle grazing. DNRC also leases 1,350 acres of land to Fish, Wildlife & Parks that is interspersed with the DNRC/Greenough lease. FWP proposes to sub-lease the 1,350 acres to Greenough Land and Livestock for ten years in exchange for the implementation and maintenance of a rest-rotation grazing system on the combined total of 3,490 acres. FWP and DNRC range management specialists designed the grazing system, which FWP would monitor for compliance. There would be no cost to the Department. The Environmental Assessment generated no public comment.

Action: Ream moved and Doll seconded the motion to authorize FWP to enter into a 10-year grazing sublease agreement with Greenough Land and Livestock. Motion carried.

14. Roles and Responsibilities of FWP in Implementing the Brucellosis Action Plan – Informational. Ken McDonald, FWP Wildlife Division Administrator, stated that Montana lost its brucellosis-free status in 2008. Elk were implicated as the source, so now there is a big focus on elk. The Department of Livestock developed a Brucellosis Action Plan, endorsed by the Board of Livestock in January of 2009, in an effort to once again attain the brucellosis-free status.

The Action Plan identifies two zones:

- * Zone 1 is a seven-county special focus area surrounding Yellowstone National Park. Elk in portions of Zone 1 are known to be seropositive for brucellosis, although at a very low level.
- * Zone 2 is the rest of the state.

The Plan includes enhanced surveillance and management practices to minimize the risk of brucellosis transmission between wildlife and livestock. It also recommends that FWP provide staff and resources to implement those mitigation measures.

FWP is working closely with the State Veterinarian and the Animal Health Division. The focus will primarily be directed at the high risk areas. FWP wants to manage the risk of transference of brucellosis from wildlife to livestock, but is making it clear that we aren't going to eliminate brucellosis. Risk management involves keeping livestock and wildlife from co-mingling during high-risk periods.

The Department of Livestock is reimbursing livestock producers for testing their livestock. McDonald said it is a State of Montana problem, not just a Department of Livestock or Fish, Wildlife & Parks problem.

Director Maurier stated that a joint discussion between FWP and the Department of Livestock is proposed for May 13 to exchange ideas.

15. Open Microphone – Public Opportunity to Address Additional FWP Issues. There was none.

Action: Vermillion moved and Moody seconded the motion to adjourn the meeting. Motion carried.

Meeting adjourned at 2:20 p.m.

Shane Colton, Chairman

Joe Maurier, Director